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IN THE HIGH COURT OF KARNATAKA AT BANGALORE.

Dated this the 4th day of June 1998.

Before

THE HON'BLE MR. JUSTICE KUMAR RAJARATNAM

WRIT PETITION No. 18607 OF 1990.

Between:

Shivanand Rao @ Shreepathi Rao,
60 years, Agriculturist, R/o
Soarb Taluk, Shimoga District
is dead by LRs:

- a) Smt. Mahalaxmiah W/o
late Shivananda
- b) K.S. Mruthunjaya S/o
late Shivananda

Both are residents of Kantana
halli village, Sorab Taluk
Shimoga District.

- c) Savitha R. Hegde D/o late
Shivananda, 32 yrs,
R/at Soraba Taluk, Shimoga Dist.
- d) Mahabaleswara Hegde S/o late
Shivananda, 24 yrs, working
in LNT Gold Ltd., Industrial
Estate, Puttagahalli, Hebbal
Mysore-96.

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.. Petitioners

(By Sri S.R. Hegde Hudlamane, Advocate)

And:

- 1 Sale Officer attached to the
Arecanut processing and Sale
Co-operative Society Ltd., Sagar.
2. The Asst. Registrar of Co-operative
Society, Sagar sub division, Sagar
Shimoga District.
3. The Special Officer, The Arecanut
Processing and Sale Co-operative
Society Ltd., Sagar, Shimoga Dist. Respondents.

(By Sri B. Veerappa, HCGP for R-2 & 3)

R-1 is served.

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This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to quash Annexure 'G' dated 31-7-1990.

This Writ Petition is coming on for orders this day, the Court made the following:

O R D E R.

1. I.A.No.I is allowed as prayed for.

The petitioner is to amend the cause title.

2. The Writ Petition is taken up with the consent of parties. *Issue Rule*

3. The petitioner is aggrieved by Annexure 'G' dated 31-7-1990. Annexure G' is the ^{*sale*} ~~casual~~ notice issued by the first respondent. Aggrieved by this there is an appeal under section 106(2-B) of the Karnataka Co-operative Societies Act. When there is an alternative and efficacious remedy available, the proper thing to the legal representatives of the petitioner would be to approach the appellate authority.

4. The legal representatives of the petitioner are directed to approach the appellate authority. The period that the writ petition is pending will be excluded for the purpose of limitation.

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5. Legal representatives of the petitioner shall prefer an appeal within one month from the date of receipt of this order.

During the pendency of the appeal the interim order passed by this Court dated 13-9-90 will enure to the benefit of the legal representatives of the petitioner.

6. The Writ Petition is disposed of accordingly. There will be no order as to costs.



Sd/-
JUDGE